

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80101-CR-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DONALD J. TRUMP and
WALTINE NAUTA,**

Defendants.

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FIRST SPEEDY TRIAL REPORT

Pursuant to Local Rule 88.5 and the Court’s Omnibus Order Setting Trial Date and Establishing Pretrial Instructions and Sentencing Procedures (ECF No. 28), both of which require the filing of Speedy Trial Reports, the United States hereby files this Speedy Trial Report regarding the status of this case under the Speedy Trial Act of 1984, 18 U.S.C. § 3161 *et seq* (“Speedy Trial Act”).¹ The United States submits that as of this writing, post-indictment, five non-excludable days have elapsed under the Speedy Trial Act and 23 days have been tolled since June 13, 2023, the date on which the defendants first appeared before a judicial officer in the court in which the charges are pending,

A federal grand jury indicted Donald J. Trump and Waltine Nauta on June 8, 2023. ECF No. 3. They had their initial appearances on June 13, 2023 (ECF Nos. 16, 18), thereby triggering the requirement that trial occur within seventy days from that date. 18 U.S.C. § 3161(c)(1).

¹ Counsel for both defendants have reviewed this filing and have authorized the government to represent that they concur with the Speedy Trial Act calculations set forth herein.

Seventy days from June 13, 2023, is August 22, 2023, and the Court has currently set trial for August 15, 2023. ECF No. 28.

The filing of pretrial motions automatically stops the speedy trial clock. *See* 18 U.S.C. § 3161(h)(1)(D); *United States v. Tinklenberg*, 563 U.S. 647 (2011). When computing time under the Speedy Trial Act, both the day on which a motion is filed and the day on which the Court disposes of the motion are excluded. *United States v. Yunis*, 723 F.2d 795, 797 (11th Cir. 1984).

On June 16, 2023, after two days of non-excludable time had elapsed, the government filed an uncontested Motion for Protective Order. ECF No. 23. Judge Reinhart disposed of the motion by granting it on June 19, 2023 (ECF No. 27), resulting in four days of excludable time. On June 23, 2023, after three additional days of non-excludable time, the government filed three motions, including a Motion to Continue Trial.² ECF No. 34. As of this writing, the Court has not disposed of that motion, resulting in an additional nineteen days of excludable time.

Therefore, in sum, as of this date, **five** days of non-excludable time under the Speedy Trial Act have elapsed, and the Speedy Trial Act time has been tolled for **23** days. With the days that have been tolled, the final date on which trial can occur in compliance with the Speedy Trial Act is September 14, 2023.

Respectfully submitted,

JACK SMITH
Special Counsel

By: /s/ Jay I. Bratt
Jay I. Bratt

² On June 23, 2023, the government also filed a Motion for a Pretrial Conference Pursuant to Classified Information Procedures Act (ECF No. 32) and a Motion for Bond to Implement Special Condition of Release (ECF No. 33). The Court disposed of both of those motions on June 26, 2023. ECF Nos. 41 and 42. Because the government's Motion to Continue Trial (ECF No. 34) is still pending, the other two motions do not affect the Speedy Trial Act calculations. On July 10, 2023, defendant Nauta filed a Motion to Continue Pretrial CIPA Conference (ECF No. 63), which the government opposed (ECF No. 64). The parties subsequently agreed, with Court permission, to move the hearing to July 18, thereby rendering the motion moot.

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CERTIFICATE OF SERVICE

I, Jay I. Bratt, certify that on July 11, 2023, I electronically filed the foregoing document with the Clerk of Court using CM/ECF.

/s/ Jay I. Bratt
Jay I. Bratt

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